

## SENATE BILL No. 337

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 25-1; IC 25-20.1.

**Synopsis:** Licensure of heating and cooling industry. Establishes: (1) the heating and cooling contractor licensing board; (2) licensing requirements for heating and cooling contractors; and (3) the heating and cooling contractors licensing board fund. Appropriates to the heating and cooling contractors licensing board an amount sufficient to fund the licensing and regulation of heating and cooling contractors.

**Effective:** July 1, 2006.

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January 10, 2006, read first time and referred to Committee on Governmental Affairs and Interstate Cooperation.

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Second Regular Session 114th General Assembly (2006)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2005 Regular Session of the General Assembly.

## SENATE BILL No. 337

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations and to make an appropriation.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 25-1-2-2.1, AS AMENDED BY P.L.87-2005,  
2 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2006]: Sec. 2.1. Rather than being issued annually, the  
4 following permits, licenses, certificates of registration, or evidences of  
5 authority granted by a state agency must be issued for a period of two  
6 (2) years or for the period specified in the article under which the  
7 permit, license, certificate of registration, or evidence of authority is  
8 issued if the period specified in the article is longer than two (2) years:  
9 (1) Certified public accountants, public accountants, and  
10 accounting practitioners.  
11 (2) Architects and landscape architects.  
12 (3) Dry cleaners.  
13 (4) Professional engineers.  
14 (5) Land surveyors.  
15 (6) Real estate brokers.  
16 (7) Real estate agents.  
17 (8) Security dealers' licenses issued by the securities



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commissioner.  
 (9) Dental hygienists.  
 (10) Dentists.  
 (11) Veterinarians.  
 (12) Physicians.  
 (13) Chiropractors.  
 (14) Physical therapists.  
 (15) Optometrists.  
 (16) Pharmacists and assistants, drugstores or pharmacies.  
 (17) Motels and mobile home community licenses.  
 (18) Nurses.  
 (19) Podiatrists.  
 (20) Occupational therapists and occupational therapy assistants.  
 (21) Respiratory care practitioners.  
 (22) Social workers, marriage and family therapists, and mental health counselors.  
 (23) Real estate appraiser licenses and certificates issued by the real estate appraiser licensure and certification board.  
 (24) Wholesale legend drug distributors.  
 (25) Physician assistants.  
 (26) Dietitians.  
 (27) Hypnotists.  
 (28) Athlete agents.  
 (29) Manufactured home installers.  
 (30) Home inspectors.

**(31) Heating and cooling contractors.**

SECTION 2. IC 25-1-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) As used in this section, "license" includes all occupational and professional licenses, registrations, permits, and certificates issued under the Indiana Code, and "licensee" includes all occupational and professional licensees, registrants, permittees, and certificate holders regulated under the Indiana Code.

(b) This section applies to the following entities that regulate occupations or professions under the Indiana Code:

- (1) Indiana board of accountancy.
- (2) Indiana grain buyers and warehouse licensing agency.
- (3) Indiana auctioneer commission.
- (4) Board of registration for architects and landscape architects.
- (5) State board of barber examiners.
- (6) State board of cosmetology examiners.
- (7) Medical licensing board of Indiana.

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- 1 (8) Secretary of state.
- 2 (9) State board of dentistry.
- 3 (10) State board of funeral and cemetery service.
- 4 (11) Worker's compensation board of Indiana.
- 5 (12) Indiana state board of health facility administrators.
- 6 (13) Committee of hearing aid dealer examiners.
- 7 (14) Indiana state board of nursing.
- 8 (15) Indiana optometry board.
- 9 (16) Indiana board of pharmacy.
- 10 (17) Indiana plumbing commission.
- 11 (18) Board of podiatric medicine.
- 12 (19) Private detectives licensing board.
- 13 (20) State board of registration for professional engineers.
- 14 (21) Board of environmental health specialists.
- 15 (22) State psychology board.
- 16 (23) Indiana real estate commission.
- 17 (24) Speech-language pathology and audiology board.
- 18 (25) Department of natural resources.
- 19 (26) State boxing commission.
- 20 (27) Board of chiropractic examiners.
- 21 (28) Mining board.
- 22 (29) Indiana board of veterinary medical examiners.
- 23 (30) State department of health.
- 24 (31) Indiana physical therapy committee.
- 25 (32) Respiratory care committee.
- 26 (33) Occupational therapy committee.
- 27 (34) Social worker, marriage and family therapist, and mental
- 28 health counselor board.
- 29 (35) Real estate appraiser licensure and certification board.
- 30 (36) State board of registration for land surveyors.
- 31 (37) Physician assistant committee.
- 32 (38) Indiana dietitians certification board.
- 33 (39) Indiana hypnotist committee.
- 34 (40) Attorney general (only for the regulation of athlete agents).
- 35 (41) Manufactured home installer licensing board.
- 36 (42) Home inspectors licensing board.
- 37 **(43) Heating and cooling contractor licensing board.**
- 38 ~~(43)~~ **(44)** Any other occupational or professional agency created
- 39 after June 30, 1981.
- 40 (c) Notwithstanding any other law, the entities included in
- 41 subsection (b) shall send a notice of the upcoming expiration of a
- 42 license to each licensee at least sixty (60) days prior to the expiration

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of the license. The notice must inform the licensee of the need to renew and the requirement of payment of the renewal fee. If this notice of expiration is not sent by the entity, the licensee is not subject to a sanction for failure to renew if, once notice is received from the entity, the license is renewed within forty-five (45) days of the receipt of the notice.

SECTION 3. IC 25-1-6-3, AS AMENDED BY P.L.206-2005, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) The licensing agency shall perform all administrative functions, duties, and responsibilities assigned by law or rule to the executive director, secretary, or other statutory administrator of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- (4) State board of barber examiners (IC 25-7-5-1).
- (5) State boxing commission (IC 25-9-1).
- (6) State board of cosmetology examiners (IC 25-8-3-1).
- (7) State board of funeral and cemetery service (IC 25-15-9).
- (8) State board of registration for professional engineers (IC 25-31-1-3).
- (9) Indiana plumbing commission (IC 25-28.5-1-3).
- (10) Indiana real estate commission (IC 25-34.1).
- (11) Real estate appraiser licensure and certification board (IC 25-34.1-8-1).
- (12) Private detectives licensing board (IC 25-30-1-5.1).
- (13) State board of registration for land surveyors (IC 25-21.5-2-1).
- (14) Manufactured home installer licensing board (IC 25-23.7).
- (15) Home inspectors licensing board (IC 25-20.2-3-1).
- (16) Heating and cooling contractor licensing board (IC 25-20.1-2-1).**

(b) Nothing in this chapter may be construed to give the licensing agency policy making authority, which remains with each board.

SECTION 4. IC 25-1-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. As used in this chapter:

"Board" means the appropriate agency listed in the definition of regulated occupation in this section.

"Director" refers to the director of the division of consumer protection.

"Division" refers to the division of consumer protection, office of

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the attorney general.

"Licensee" means a person who is:

- (1) licensed, certified, or registered by a board listed in this section; and
- (2) the subject of a complaint filed with the division.

"Person" means an individual, a partnership, a limited liability company, or a corporation.

"Regulated occupation" means an occupation in which a person is licensed, certified, or registered by one (1) of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- (4) State board of barber examiners (IC 25-7-5-1).
- (5) State boxing commission (IC 25-9-1).
- (6) Board of chiropractic examiners (IC 25-10-1).
- (7) State board of cosmetology examiners (IC 25-8-3-1).
- (8) State board of dentistry (IC 25-14-1).
- (9) State board of funeral and cemetery service (IC 25-15-9).
- (10) State board of registration for professional engineers (IC 25-31-1-3).
- (11) Indiana state board of health facility administrators (IC 25-19-1).
- (12) Medical licensing board of Indiana (IC 25-22.5-2).
- (13) Indiana state board of nursing (IC 25-23-1).
- (14) Indiana optometry board (IC 25-24).
- (15) Indiana board of pharmacy (IC 25-26).
- (16) Indiana plumbing commission (IC 25-28.5-1-3).
- (17) Board of podiatric medicine (IC 25-29-2-1).
- (18) Board of environmental health specialists (IC 25-32-1).
- (19) State psychology board (IC 25-33).
- (20) Speech-language pathology and audiology board (IC 25-35.6-2).
- (21) Indiana real estate commission (IC 25-34.1-2).
- (22) Indiana board of veterinary medical examiners (IC 15-5-1.1).
- (23) Department of natural resources for purposes of licensing water well drillers under IC 25-39-3.
- (24) Respiratory care committee (IC 25-34.5).
- (25) Private detectives licensing board (IC 25-30-1-5.1).
- (26) Occupational therapy committee (IC 25-23.5).
- (27) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6).

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(28) Real estate appraiser licensure and certification board  
(IC 25-34.1-8).

(29) State board of registration for land surveyors  
(IC 25-21.5-2-1).

(30) Physician assistant committee (IC 25-27.5).

(31) Indiana athletic trainers board (IC 25-5.1-2-1).

(32) Indiana dietitians certification board (IC 25-14.5-2-1).

(33) Indiana hypnotist committee (IC 25-20.5-1-7).

(34) Indiana physical therapy committee (IC 25-27).

(35) Manufactured home installer licensing board (IC 25-23.7).

(36) Home inspectors licensing board (IC 25-20.2-3-1).

**(37) Heating and cooling contractor licensing board  
(IC 25-20.1-2-1).**

~~(37)~~ **(38)** Any other occupational or professional agency created  
after June 30, 1981.

SECTION 5. IC 25-1-8-1 IS AMENDED TO READ AS FOLLOWS  
[EFFECTIVE JULY 1, 2006]: Sec. 1. As used in this chapter, "board"  
means any of the following:

(1) Indiana board of accountancy (IC 25-2.1-2-1).

(2) Board of registration for architects and landscape architects  
(IC 25-4-1-2).

(3) Indiana auctioneer commission (IC 25-6.1-2-1).

(4) State board of barber examiners (IC 25-7-5-1).

(5) State boxing commission (IC 25-9-1).

(6) Board of chiropractic examiners (IC 25-10-1).

(7) State board of cosmetology examiners (IC 25-8-3-1).

(8) State board of dentistry (IC 25-14-1).

(9) State board of funeral and cemetery service (IC 25-15).

(10) State board of registration for professional engineers  
(IC 25-31-1-3).

(11) Indiana state board of health facility administrators  
(IC 25-19-1).

(12) Medical licensing board of Indiana (IC 25-22.5-2).

(13) Mining board (IC 22-10-1.5-2).

(14) Indiana state board of nursing (IC 25-23-1).

(15) Indiana optometry board (IC 25-24).

(16) Indiana board of pharmacy (IC 25-26).

(17) Indiana plumbing commission (IC 25-28.5-1-3).

(18) Board of environmental health specialists (IC 25-32-1).

(19) State psychology board (IC 25-33).

(20) Speech-language pathology and audiology board  
(IC 25-35.6-2).

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- 1 (21) Indiana real estate commission (IC 25-34.1-2-1).
- 2 (22) Indiana board of veterinary medical examiners
- 3 (IC 15-5-1.1-3).
- 4 (23) Department of insurance (IC 27-1).
- 5 (24) State police department (IC 10-11-2-4), for purposes of
- 6 certifying polygraph examiners under IC 25-30-2.
- 7 (25) Department of natural resources for purposes of licensing
- 8 water well drillers under IC 25-39-3.
- 9 (26) Private detectives licensing board (IC 25-30-1-5.1).
- 10 (27) Occupational therapy committee (IC 25-23.5-2-1).
- 11 (28) Social worker, marriage and family therapist, and mental
- 12 health counselor board (IC 25-23.6-2-1).
- 13 (29) Real estate appraiser licensure and certification board
- 14 (IC 25-34.1-8).
- 15 (30) State board of registration for land surveyors
- 16 (IC 25-21.5-2-1).
- 17 (31) Physician assistant committee (IC 25-27.5).
- 18 (32) Indiana athletic trainers board (IC 25-5.1-2-1).
- 19 (33) Board of podiatric medicine (IC 25-29-2-1).
- 20 (34) Indiana dietitians certification board (IC 25-14.5-2-1).
- 21 (35) Indiana physical therapy committee (IC 25-27).
- 22 (36) Manufactured home installer licensing board (IC 25-23.7).
- 23 (37) Home inspectors licensing board (IC 25-20.2-3-1).
- 24 **(37) Heating and cooling contractor licensing board**
- 25 **(IC 25-20.1-2-1).**
- 26 ~~(38)~~ (39) Any other occupational or professional agency created
- 27 after June 30, 1981.
- 28 SECTION 6. IC 25-1-11-1 IS AMENDED TO READ AS
- 29 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. As used in this
- 30 chapter, "board" means any of the following:
- 31 (1) Indiana board of accountancy (IC 25-2.1-2-1).
- 32 (2) Board of registration for architects and landscape architects
- 33 (IC 25-4-1-2).
- 34 (3) Indiana auctioneer commission (IC 25-6.1-2).
- 35 (4) State board of barber examiners (IC 25-7-5-1).
- 36 (5) State boxing commission (IC 25-9-1).
- 37 (6) State board of cosmetology examiners (IC 25-8-3-1).
- 38 (7) State board of registration of land surveyors (IC 25-21.5-2-1).
- 39 (8) State board of funeral and cemetery service (IC 25-15-9).
- 40 (9) State board of registration for professional engineers
- 41 (IC 25-31-1-3).
- 42 (10) Indiana plumbing commission (IC 25-28.5-1-3).

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- (11) Indiana real estate commission (IC 25-34.1-2-1).
- (12) Real estate appraiser licensure certification board (IC 25-34.1-8).
- (13) Private detectives licensing board (IC 25-30-1-5.1).
- (14) Manufactured home installer licensing board (IC 25-23.7).
- (15) Home inspectors licensing board (IC 25-20.2-3-1).
- (16) Heating and cooling contractor licensing board (IC 25-20.1-2-1).**

SECTION 7. IC 25-20.1 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS:

**ARTICLE 20.1 HEATING AND COOLING CONTRACTOR LICENSING BOARD**

**Chapter 1. Definitions**

**Sec. 1. The definitions in this chapter apply throughout this article.**

**Sec. 2. (a) "Class 1 structure" includes a structure that contains three (3) or more condominium units (as defined in IC 32-25-2-9) or other units that are:**

- (1) intended to be or are used or leased by the owner of the unit; and**
- (2) not completely separated from each other by an unimproved space.**

**(b) The term does not include the following:**

- (1) A building or structure that is:**
  - (A) intended to be or is used only for an agricultural purpose on the land where it is located; and**
  - (B) not used for retail trade or is a stand used for retail sales of farm produce for eight (8) or fewer consecutive months in a calendar year.**
- (2) A Class 2 structure or vehicular bridge.**

**Sec. 3. (a) "Class 2 structure" means any part of the following:**

- (1) A building or structure that is intended to contain or contains only one (1) dwelling unit or two (2) dwelling units unless any part of the building or structure is regularly used as a Class 1 structure.**
- (2) An outbuilding for a structure described in subdivision (1), including a:**
  - (A) garage;**
  - (B) barn; or**
  - (C) family swimming pool;****unless any part of the outbuilding or structure is regularly used as a Class 1 structure.**

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(b) The term does not include a vehicular bridge.

**Sec. 4. "Construction" includes:**

(1) fabrication of any part of an industrialized building system or mobile structure for use at another site;

(2) erection or assembly of any part of a Class 1 or Class 2 structure at the site where the structure will be used;

(3) installation of any part of the permanent:

(A) heating;

(B) ventilating;

(C) air conditioning;

(D) electrical;

(E) plumbing;

(F) sanitary;

(G) emergency detection;

(H) emergency communication; or

(I) fire or explosion suppression;

system for a Class 1 or Class 2 structure at the site where the structure will be used;

(4) work undertaken to:

(A) alter;

(B) remodel;

(C) rehabilitate; or

(D) add to;

any part of a Class 1 or Class 2 structure; or

(5) work undertaken to relocate any part of a Class 1 or Class 2 structure, except a mobile structure.

**Sec. 5. "Cooling system" means a system that uses a source of energy to accomplish the:**

(1) cooling, not below a constant temperature of sixty (60) degrees Fahrenheit, of more than one (1) partitioned space in a structure;

(2) cooling of all or part of a structure by distribution of air through ductwork extending more than twelve (12) inches from the appliance collars; or

(3) distribution of liquid or vapor through onsite piping.

**Sec. 6. "Heating and cooling contracting" refers to:**

(1) designing;

(2) installing;

(3) repairing; or

(4) altering;

a heating or cooling system in a structure.

**Sec. 7. (a) "Heating system" means a system that uses a source**

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of energy, including:

- (1) electricity;
- (2) fossil fuels;
- (3) geothermal;
- (4) solar; or
- (5) wind;

to accomplish the warming of more than one (1) partitioned space in a structure or to accomplish the warming of all or part of a structure by distribution of air through ductwork extending more than twelve (12) inches from the appliance collars, or distribution of liquid or vapor through onsite piping.

(b) A structural design that uses largely natural means to cause flow of thermal energy from the sun to accomplish warming of all or part of a structure may not be considered a heating system for purposes of this definition.

Sec. 8. "Licensing agency" refers to the Indiana professional licensing agency established by IC 25-1-5-3.

Sec. 9. "Mobile structure" means any part of a fabricated unit that is designed to be:

- (1) towed on its own chassis; and
- (2) connected to utilities for year-round occupancy or use as a Class 1 structure, a Class 2 structure, or another structure.

The term includes two (2) or more components that can be retracted for towing purposes and subsequently expanded for additional capacity and two (2) or more units that are separately towable but designed to be joined into one (1) integral unit.

Sec. 10. "Structure" means any part of:

- (1) a building or structure that is intended to be used or occupied in part by:

- (A) the public;
- (B) three (3) or more tenants; or
- (C) one (1) or more persons who act as the employees of another person;

- (2) a site improvement affecting access by persons with physical disabilities to a building or structure described in subdivision (1); or

- (3) any class of buildings or structures that the fire prevention and building safety commission determines by rule to affect a building or structure described in subdivision (1).

Chapter 2. Heating and Cooling Contractor Licensing Board

Sec. 1. The heating and cooling contractor licensing board is established.

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1       **Sec. 2. The board consists of seven (7) members to be appointed**  
 2       **by the governor as follows:**

3               **(1) Five (5) individuals who are licensed under this article.**

4               **(2) Two (2) individuals who are not licensed under this article**  
 5               **and who represent the public.**

6       **Sec. 3. (a) Each member of the board shall serve a term of four**  
 7       **(4) years and until the member's successor is appointed and**  
 8       **qualified.**

9               **(b) A member may not serve on the board for more than two (2)**  
 10       **consecutive terms.**

11       **Sec. 4. (a) The governor may remove a member at any time for**  
 12       **incompetency, neglect of duty, or unprofessional conduct.**

13               **(b) A vacancy in the membership of the board shall be filled by**  
 14       **an individual appointed by the governor for the unexpired term.**

15       **Sec. 5. (a) Each year the board shall elect a member as**  
 16       **chairperson and another member as vice chairperson.**

17               **(b) A member serving as chairperson or vice chairperson shall**  
 18       **serve until the member's successor as chairperson or vice**  
 19       **chairperson is elected.**

20               **(c) The chairperson shall preside at all meetings at which the**  
 21       **chairperson is present. The vice chairperson shall preside at**  
 22       **meetings in the absence of the chairperson and shall perform other**  
 23       **duties as the chairperson directs.**

24               **(d) If the chairperson and vice chairperson are absent from a**  
 25       **meeting of the board when a quorum exists, the members who are**  
 26       **present may elect a presiding officer who shall serve as acting**  
 27       **chairperson until the conclusion of the meeting or until the arrival**  
 28       **of the chairperson or vice chairperson.**

29       **Sec. 6. The board shall meet at least four (4) times each calendar**  
 30       **year upon the call of the chairperson or the written request of a**  
 31       **majority of the members of the board.**

32       **Sec. 7. (a) Four (4) members of the board constitute a quorum.**

33               **(b) An affirmative vote of four (4) members of the board is**  
 34       **necessary for the board to take official action.**

35       **Sec. 8. Each member of the board is entitled to the minimum**  
 36       **salary per diem provided by IC 4-10-11-2.1(b). Each member of**  
 37       **the board is entitled to reimbursement for travel expenses as**  
 38       **provided in IC 4-13-1-4 and other expenses actually incurred in**  
 39       **connection with the member's duties, as provided in the state travel**  
 40       **policies and procedures established by the Indiana department of**  
 41       **administration and approved by the budget agency.**

42       **Sec. 9. The board shall do the following:**

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- (1) Administer, coordinate, and enforce this article.
- (2) Adopt rules under IC 4-22-2 for the administration and enforcement of this article.
- (3) Prescribe the:
  - (A) requirements for; and
  - (B) form of;
 licenses issued or renewed under this article.
- (4) Issue, deny, renew, suspend, or revoke licenses under this article.
- (5) In accordance with IC 25-1-7, investigate and prosecute complaints involving licensees or individuals the board has reason to believe should be licensees, including complaints concerning the failure to comply with this article or rules adopted under this article.
- (6) Bring actions in the name of the state of Indiana in an appropriate circuit court to enforce compliance with this article or rules adopted under this article.
- (7) Establish fees in accordance with IC 25-1-8.
- (8) Inspect the records of a licensee in accordance with rules adopted by the board.
- (9) Conduct or designate a board member or another representative to conduct public hearings on any matter for which a hearing is required under this article and to exercise all powers granted under IC 4-21.5.
- (10) Maintain the board's records and files.

**Sec. 10. The licensing agency shall do the following:**

- (1) Carry out the administrative functions of the board.
- (2) Provide necessary personnel to carry out the duties of this article.

**Chapter 3. Licensing Requirements**

**Sec. 1. Beginning July 1, 2007, an individual may not perform or offer to perform heating and cooling contracting without a license to perform heating and cooling contracting issued by the board under this article.**

**Sec. 2. An application for a license to perform heating and cooling contracting must be:**

- (1) made to the board on forms provided by the board; and
- (2) accompanied by an application fee in the amount set by the board.

**Sec. 3. (a) Except as provided in section 6 of this chapter, an individual who applies for a license to perform heating and cooling contracting must:**

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(1) meet the written examination requirement set by the board; or

(2) meet the equivalent examination requirement set by the board.

(b) An applicant may not be granted a license under this article if the applicant has had a license issued under this article suspended or revoked during the preceding seven hundred thirty (730) days.

(c) An applicant must submit a bond and certificates of insurance as required by the board.

(d) An applicant must pay the fee established by the board.

**Sec. 4. An individual applying for a license to perform electrical contracting must apply on a form prescribed and provided by the board.**

**Sec. 5. An individual who is denied a license under this article has the remedies prescribed under IC 4-21.5.**

**Sec. 6. The board may grant a license to an applicant who:**

(1) submits satisfactory evidence to the board that the applicant has been licensed to perform heating and cooling contracting in another state or country under qualifications that are substantially equivalent to the qualifications for licensure under this article; and

(2) pays the fee established by the board.

#### **Chapter 4. Renewal of License**

**Sec. 1. A license issued by the board is valid for four (4) years from its date of issuance.**

**Sec. 2. An individual who applies to renew a license as a heating and cooling contractor shall:**

(1) file a renewal application with the board;

(2) pay a renewal fee established by the board; and

(3) meet other requirements established by the board.

**Sec. 3. (a) Renewal notices must be sent in accordance with IC 25-1-2-6(c).**

**(b) The renewal fee must be paid in accordance with IC 25-1-8-2(d).**

**Sec. 4. If an individual desires to discontinue the practice of heating and cooling contracting in Indiana, the individual may select inactive status on the renewal form. The board may grant inactive status to an individual if the individual:**

(1) does not profess to the public to possess a license under this article;

(2) maintains continuing competency requirements as

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1 established by the board; and

2 (3) pays a fee established by the board.

3 **Chapter 5. Discipline and Violations**

4 **Sec. 1. The board may take disciplinary action against a licensee**  
5 **for any of the following violations:**

6 (1) Violating this article or rules adopted by the board under  
7 this article.

8 (2) Making a false or materially misleading representation in:

9 (A) a license application form or renewal form; or

10 (B) information provided to the board.

11 (3) Failing to pay fees or civil penalties required under this  
12 article.

13 (4) Communicating to the public false or misleading  
14 information concerning the license held.

15 **Sec. 2. The procedures set forth in IC 4-21.5 govern the board's**  
16 **conduct of disciplinary hearings.**

17 **Sec. 3. The board may summarily suspend a license for up to**  
18 **ninety (90) days before a final adjudication or during an appeal of**  
19 **the board's determination if the board finds that the licensee**  
20 **represents a clear and immediate danger to the public's health,**  
21 **safety, or property if the licensee is allowed to practice heating and**  
22 **cooling contracting. The summary suspension may be renewed,**  
23 **upon a hearing before the board, for up to ninety (90) days.**

24 **Sec. 4. (a) If the board determines that an individual not**  
25 **licensed under this article is engaged in or believed to be engaged**  
26 **in activities for which a license is required under this article, the**  
27 **board may issue an order to the individual requiring the individual**  
28 **to show cause why the individual should not be ordered to cease**  
29 **and desist from the activities. The show cause order must set a**  
30 **date, time, and place for a hearing at which the affected individual**  
31 **may appear and show cause as to why the individual should not be**  
32 **subject to licensing under this article.**

33 **(b) If the board, after a hearing, determines that the activities**  
34 **in which the individual is engaged are subject to licensing under**  
35 **this article, the board may issue a cease and desist order that**  
36 **describes the individual and activities that are the subjects of the**  
37 **order.**

38 **(c) A cease and desist order issued under this section is**  
39 **enforceable in the circuit or superior courts.**

40 **Sec. 5. An individual who knowingly or intentionally:**

41 (1) performs or offers to perform heating and cooling  
42 contracting without being licensed or without being exempt

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1 from licensing under Indiana law;  
 2 (2) presents as the individual's own the license of another;  
 3 (3) intentionally gives false or materially misleading  
 4 information of any kind to the board or to a board member in  
 5 connection with licensing matters;  
 6 (4) impersonates a licensee;  
 7 (5) uses an expired, suspended, or revoked license; or  
 8 (6) otherwise violates this article;  
 9 commits a Class B misdemeanor.

10 Sec. 6. An individual who applies for and is denied a license or  
 11 a licensee who is aggrieved by an order or a determination of the  
 12 board is entitled to a judicial review under IC 4-21.5.

13 Sec. 7. The attorney general shall act as the legal adviser for the  
 14 board and provide any legal assistance necessary to carry out this  
 15 article.

16 Chapter 6. Heating and Cooling Contractor Licensing Board  
 17 Fund

18 Sec. 1. The heating and cooling contractor licensing board fund  
 19 is established to provide funds to regulate and license electrical  
 20 contractors under this article.

21 Sec. 2. The expenses of administering the fund shall be paid  
 22 from money in the fund. The fund consists of license fees and civil  
 23 penalties collected under this article.

24 Sec. 3. The treasurer of the state shall invest the money in the  
 25 fund not currently needed to meet the obligations of the fund in the  
 26 same manner as other public money may be invested.

27 Sec. 4. Money in the fund at the end of a state fiscal year does  
 28 not revert to the state general fund.

29 Sec. 5. Money in the fund is continually appropriated for use by  
 30 the board to regulate and license heating and cooling contractors  
 31 under this article.

32 SECTION 7. [EFFECTIVE JULY 1, 2006] (a) As used in this  
 33 SECTION, "board" means the heating and cooling contractors  
 34 licensing board established by IC 25-20.1-2-1, as added by this act.

35 (b) The governor shall make the initial appointments to the  
 36 board not later than January 1, 2007. In making an initial  
 37 appointment, the governor shall indicate the length of the term for  
 38 which the individual is appointed.

39 (c) The initial terms of office for the seven (7) individuals  
 40 appointed to the board by the governor are as follows:

- 41 (1) Two (2) members for a term of four (4) years.  
 42 (2) Two (2) members for a term of three (3) years.

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1           (3) Two (2) members for a term of two (2) years.

2           (4) One (1) member for a term of one (1) year.

3           (d) The initial term of office for the members of the board  
4 begins January 1, 2007.

5           (e) An individual who does not meet the requirements of  
6 IC 25-20.1-3, as added by this act, may be appointed to the board  
7 under IC 25-20.1-2, as added by this act, if the individual:

8               (1) meets the requirements under IC 25-20.1-2 and  
9 IC 25-20.1-3, as added by this act;

10              (2) has been actively engaged in heating and cooling  
11 contracting for at least five (5) years immediately before the  
12 individual's appointment; and

13              (3) obtains a license under IC 25-20.1-3, as added by this act,  
14 not later than January 1, 2008.

15           (f) A board member appointed under subsection (e) who does  
16 not obtain the license required by IC 25-20.1-3, as added by this  
17 act, on or before January 1, 2008, shall be considered to have  
18 resigned from the board on that date, and the governor shall fill  
19 the vacancy.

20           (g) Not later than July 1, 2007, the board shall adopt rules under  
21 IC 4-22-2 to carry out this act.

22           (h) This SECTION expires July 1, 2009.

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